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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,823

08/05/2006

Michael Charlton Powell

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COOK ALEX LTD

SUITE 2850

200 WEST ADAMS STREET

CHICAGO, IL 60606

EXAMINER

ANDERSON, AMBER R

ART UNIT

PAPER NUMBER

3765

MAIL DATE

DELIVERY MODE

04/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,823	Applicant(s) POWELL, MICHAEL CHARLTON	
	Examiner AMBER R. ANDERSON	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's amendments filed January 28, 2009 have been reviewed and considered. The amendment to the claims and drawings overcome the objections raised in the non-final Office Action mailed October 28, 2008. Claims 1-7, 9,m and 10, are currently pending of which Claims 5 and 10 have been withdrawn, Claims 1, 4, 7, and 9 were amended, and Claim 8 was cancelled.

Applicant's First Argument: Powell does not disclose an interface comprising a foamed block body. This paragraph (pg. 3, paragraph 7) in Powell only discloses that the body provides a uniform work surface. There is no disclosure of a foamed block body. Applicant further notes that on pg. 8, the second full paragraph, Powell teaches that the glove is made from "a semi-rigid or rigid material," with polymer materials given as an example.

Examiner's Response: The examiner cited the wrong section of the reference stating that the device was made of foam. However, the examiner correctly cited it in the original rejection of Claim 3 and the citation has been clarified in the current rejection of Claim 1.

Applicant's Second Argument: Whether a glove is included or not, Pease does not disclose a "foamed block body" as applicant claims. Nor does the optional Pease glove function as resilient yokes, also a component of current claim 1. It would not have

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been obvious to one of ordinary skill in the art to select a sponge with cavities and an optional glove as being an obvious combination with the product as in the Powell reference that is a glove-like interface and not a sponge.

Examiner's Response: The examiner is merely using the Pease reference as a teaching that it is well known to make a sponge, i.e. foam like material, have finger stalls that are symmetrical so that the glove can be used on either a left or a right hand.

Applicant's Third Argument: The advantage of having a foamed block body is that the finger-receiving channels can snugly receive the fingers of the user's hand to assist in securing the hand-utility interface product to the user's hand. By contrast, the glove of Powell is made from a semi-rigid or rigid material which would not conform to snugly receive the user's fingers.

Examiner's Response: Depending on the size of the user's hand the finger channels are capable of snugly receiving the fingers of the user's hand.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Powell (WO 02/087406).

Regarding Claim 1, Powell discloses a hand-utility interface (2) for use in protecting a user's hand during utility tasks comprising a foamed block body (Pg. 20, third full paragraph, where it states the material is flexible but resilient, e.g. foam) having a plurality of finger-receiving channels defined therein (10); and palm support means for securing said interface to the palm of a user's hand (Pg. 6, Para. 5), the palm support means comprises one or more resilient yokes (Pg. 6, Para. 5), wherein the finger-receiving channels snugly receive the fingers of said user's hand such that in use, the palm support means and the finger-receiving channels secure the interface to the user's hand (Pg. 5, second full paragraph).

Regarding Claim 2, Powell discloses wherein body defines a uniform work surface (Pg. 3, Para. 7).

Regarding Claim 3, Powell discloses wherein the foamed block body comprises viscoelastic foam material (Pg. 20, third full paragraph, where it states the material is flexible but resilient, both properties of viscoelastic foam, (see applicants specification on Pg. 3)).

Regarding Claim 4, Powell discloses wherein finger-retaining means are provided to one or more of the finger-receiving channels (4).

Regarding Claim 6, Powell discloses wherein said finger-retaining means comprise finger grips provided to the one or more finger-receiving channels (4, Pg. 14, paragraph starting "Referring now"; Pg. 5, first full paragraph).

Regarding Claim 9, Powell discloses wherein said one or more resilient yokes comprises hinged parts movable from an open to closed configuration (Pg. 20, first and second full paragraphs, where it states that each arm is independently movable which would indicate a hinged structure where the move from an open state, before the hand is inserted, and to a closed state, after the hand is inserted).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powell (WO 02/087406) in view of Pease (USPN 1,528,026).

Regarding Claim 7, Powell discloses the invention substantially as claimed above. However, Powell does not specifically disclose wherein the foamed block body

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is symmetric in form such as to be suitable for ambidextrous use. Pease teaches a spongy, i.e, foam like, block body (A) for cleaning that is symmetrical in form that is suitable for ambidextrous use (Pg. 1, lines 103-106) to make the handling and use of the body more convenient.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have made the body of Powell symmetrical for ambidextrous use, as taught by Pease, to make the handling and use of the body more convenient.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMBER R. ANDERSON whose telephone number is (571) 270-5281. The examiner can normally be reached on Mon-Thur, 8am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AMBER R ANDERSON/
Examiner, Art Unit 3765

April 2, 2009

/Gary L. Welch/
Supervisory Patent Examiner, Art Unit 3765